

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, November 16, 2020
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 16, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order 6:00pm

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr
Council 5 Lori Klein Quinn

OTHERS PRESENT:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
Assistant City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Police Chief – Jeff Bert
Assistant Fire Chief - Taner Drake
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Police Detective – Ron McGullion
Administrative Assistant- Sasha Luna
Administrative Assistant - Johnita Robinson
Accountant – Luisa Taylor

- B. Invocation - Led by PD Chaplain Gary Crowe, TPD Chaplain**
- C. Pledges to U.S. and Texas Flags led by Troop 469**
- D. No public comments were received.**
- E. Presentations**

1. Al Gerhardt, Tomball Lions Club - \$500 donation each to Fire and Police Departments for annual Christmas Programs

F. Reports and Announcements

1. Announcements

- I. November 20, 2020 – 2 :00 pm **Fire Station Statue Unveiling** and at 7:00 pm - **Christmas Tree Lighting at the Depot** – both are a **Facebook Live Event**
 - II. November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed
 - III. December 24-25, 2020 – **Christmas Holidays** – City offices closed
 - IV. January 1, 2021 – **New Year's Day Holiday** – City offices closed
2. Reports by City staff and members of council about items of community interest on which no action will be taken:
 - I. Glenn Windsor/Luisa Taylor – Quarterly Investment Report for Period Ending September 30, 2020. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On September 30, 2020, the City had total cash and cash equivalents in the amount of \$62,534,134.00.

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 2 Stoll to approve the Minutes of the November 2, 2020 Special Joint City Council & TEDC meeting and the Regular Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn.

Motion carried unanimously.

H. Old Business

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn adopt on Second Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

I. New Business

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn. approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr, Seconded by Council 1 Ford approve Resolution No. 2020-42, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and being located within the City of Tomball

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Voting Nay: Council 2 Stoll

Motion carried 4 votes yay, 1 vote nay.

3. Consideration to approve **Zoning Case P20-295**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (Area regulations for residential uses) and Section 50-79(e) (Area regulations for nonresidential uses).

- Conduct Public Hearing on **Zoning Case P20-295**

Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball regarding the consideration to approve **Zoning Case P20-295**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (Area regulations for residential uses) and Section 50-79(e) (Area regulations for nonresidential uses) at 6:27 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:27 p.m.

Motion made by Council 4 Townsend, Sr, Seconded by Council 3 Degges to read Ordinance No. 2020-33 by Caption only.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 3 Degges, Seconded by Council 4 Townsend to Adopt, on First Reading, Ordinance No. 2020-33, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, to allow a zero front or rear building line for lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion under certain conditions; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn to read Ordinance No. 2020-33 by Caption only.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr, Seconded by Council 1 Ford to adopt, on First Reading, Ordinance No. 2020-34, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Pine Meadows Street, Pine Woods Street, and Scotch Pines Street, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

J. Adjournment

Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

PASSED AND APPROVED this the 7th day of December 2020.

Tracylynn Garcia

Tracylynn Garcia
Assistant City Secretary, TRMC, CMC,
CPM

Gretchen Fagan

Gretchen Fagan
Mayor